

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSH L. ANDERSON,)	
)	
Plaintiff)	
)	
v.)	
)	Civil Action No. 04-135 Erie
LARRY E. KOPKO, RANDY J. ICKERT)	
and KATIE L. AVENALI,)	
)	
Defendants)	JURY TRIAL DEMANDED

**DEFENDANT SMITH'S RESPONSE TO PLAINTIFF'S RESPONSE TO
DEFENDANT'S OBJECTIONS TO PLAINTIFF'S FIRST SET OF
INTERROGATORIES TO DEFENDANT**

Defendant Katie L. Smith, née Katie L. Avenali, respectfully submits the following
Defendant Smith's Response to Plaintiff's Response to Defendant's Objections to Plaintiff's First
Set of Interrogatories to Defendant.

1. On October 20, 2005 plaintiff Josh L. Anderson served Plaintiff's First Set of
Interrogatories to Defendant on defendant Katie L. Smith, née Katie L. Avenali, and on
December 12, 2005, plaintiff filed a Motion for an Order Compelling Discovery.

2. On December 12, 2005 the Court issued an Order compelling service of answers
to the interrogatories on or before December 22, 2005.

3. On December 22, 2005 defendant Smith served on plaintiff Answers and
Objections to Plaintiff's First Set of Interrogatories to Defendant and, on January 5, 2006,
plaintiff filed Plaintiff's Response to Defendant's Objections to Plaintiff's First Set of
Interrogatories to Defendant, contending that defendant Smith should be required to answer
interrogatories 2, 7, 10, 11 and 13. (Copies of the interrogatories, answers and objections are
attached hereto.)

4. Defendant Smith contends that the subject interrogatories are not relevant to the subject matter involved in this action and are not reasonably calculated to lead to the discovery of admissible evidence. Moreover, defendant Smith asserts that answering Interrogatories 2 and 13 would subject defendant Smith to annoyance, undue burden and expense and, for that additional reason, plaintiff's motion to compel discovery should be denied.

WHEREFORE, defendant Katie L. Smith, née Katie L. Avenali, respectfully requests that the Court issue an order denying the motion to compel discovery (Response to Defendant's Objections to Plaintiff's First Set of Interrogatories to Defendant) of plaintiff Josh L. Anderson.

Respectfully submitted,

/s/ James T. Marnen
James T. Marnen
PA ID No. 15858
KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.
120 West Tenth Street
Erie, PA 16501-1461
General Tel: 814-459-2800
Direct Dial Tel: 814-459-9886, Ext. 203
Fax: 814-453-4530
Email: jmarnen@kmgslaw.com

Attorney for Defendants,
Larry E. Kopko, Randy J. Ickert and
Katie L. Smith, née Katie L. Avenali

#651227

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSH L. ANDERSON

v.

KATIE L. AVENALI

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Civil Action No. 04-135 Erie

**ANSWERS AND OBJECTIONS TO PLAINTIFF'S FRIST SET OF
INTERROGATORIES TO DEFENDANT**

In accordance with RULE 33 of the FEDERAL RULES OF CIVIL PROCEDURE, plaintiff requests that defendant answer the following interrogatories under oath, and that the answers be signed by the person making them and be served on plaintiff within 30 days of service of these interrogatories.

If you cannot answer the following interrogatories in full, after exercising due diligence to secure the information to do so, so state and answer to the extent possible, specifying your inability to answer the remainder and stating whatever information or knowledge you have concerning the unanswered portions.

These interrogatories shall be deemed continuing, so as to require supplemental answer as new and different information materializes.

INTERROGATORIES TO DEFENDANT

1[] STATE THE NAME AND ADDRESS OR OTHERWISE IDENTIFY AND LOCATE ANY PERSON WHO, TO YOU OR YOUR ATTORNEY'S KNOWLEDGE, CLAIMS TO KNOW FACTS RELEVANT TO THE CONDUCT DESCRIBED IN THESE INTERROGATORIES.

**ANSWER: Cory Altman
HC 2, Box 207
Tionesta, PA 16353**

**Josh L. Anderson
Inmate No. FW 6915
SCI Coal Township
1 Kelley Drive
Coal Township, PA 17866-1021**

**Stephen Breon
Warren County Sheriff's Office
407 Market Street
Warren, PA 16365-1763**

**Alan Broadwater
503 West 4th Street
Apartment 23
Jamestown, NY 14701**

**Robert Burns
Edinboro University of Pennsylvania
Edinboro, PA 16444**

**Kelly Curtis
Warren County Sheriff's Office**

**Casey Dayhuff
Address Unknown**

**Jerry DiPenti
Federal Correctional Institution – McKean
Northeast Region
P.O. Box 5000
Bradford, PA 16701**

**Jane Farnsworth
Warren County Sheriff's Office**

**Michael Halle
SCI Somerset
Inmate No. FS7703
1590 Walters Road
Somerset, PA 15510-0001**

**Lonnie Heeter
Family Medicine
143 Pleasant Drive
Warren, PA 16365**

**Randy J. Ickert
Warren County Sheriff's Office**

**Mark Lehnen
Warren County Sheriff's Office**

**Blaine Molle
SCI Houtzdale
Inmate No. FX4037
P.O. Box 1000
Houtzdale, PA 16698-1000**

**Jacob Sack
Address Unknown**

**Kevin Schmader
P.O. Box 172
Endeavor, PA 16322**

**William Schultz, M.D.
Warren General Hospital
2 Crescent Park West
Warren, PA 16365**

**Joshua Smith
SCI Somerset
Inmate No. GA3625**

**Katie L. Smith
Warren County Sheriff's Office**

- 2[] IDENTIFY AND ATTACH A COPY OF ANY AND ALL DOCUMENTS RELATING TO YOUR EDUCATION AND TRAINING.

ANSWER: Objection. These documents are not relevant to the subject matter involved in this action and this request is not reasonably calculated to lead to the discovery of admissible evidence. Moreover, producing copies of the documents requested would involve annoyance, undue burden and expense. Notwithstanding this objection, the following information is provided: Katie L. Smith is a high school graduate and she received a certificate of completion after attending the Pennsylvania State Department of Corrections Academy.

- 3[] IDENTIFY AND ATTACH A COPY OF ANY AND ALL DOCUMENTS SHOWING WHO WAS ON DUTY IN CELL BLOCK A "MAX" AT 1230hrs. THE DAY OF FEB. 4, 2004.

ANSWER: Produced herewith is a copy of the Warren County Sheriff's Office Jail Desk Log Wednesday, dated February 4, 2004, Bates stamped S000000001.

- 4[] IDENTIFY AND ATTACH A COPY OF THE REPORT YOU FILED ON FEB. 4, 2004.

ANSWER: Produced herewith is a copy of a report prepared by Katie L. Smith and provided to her supervisor on February 4, 2004, Bates stamped S000000002.

- 5[] HOW LONG HAVE YOU WORKED FOR THE WARREN COUNTY PRISON?

ANSWER: Katie L. Smith has been employed by the County of Warren at the Warren County Jail from and including October 29, 2001 through the present time on a continuous basis.

6[] HOW LONG HAVE YOU KNOWN THE PLAINTIFF JOSH L. ANDERSON?

ANSWER: Katie L. Smith has never "known" Josh L. Anderson. However, she has been aware of him as a prisoner at the Warren County Jail from a time beginning on or about October 29, 2001, the day on which she began her employment with the County of Warren, Pennsylvania, on which date Mr. Anderson was an inmate at the Warren County Jail.

7[] WHEN DID YOU AND THE PLAINTIFF JOSH L. ANDERSON START TO HAVE PROBLEMS?

ANSWER: Objection. This interrogatory is vague to the point of not being reasonably calculated to lead to the discovery of admissible evidence. Notwithstanding this objection, on May 9, 2003 Josh L.. Anderson made a verbal threat of physical harm to Katie L. Smith.

8[] HAS THE PLAINTIFF JOSH L. ANDERSON EVER TRIED TO WORK OUT WHAT EVER WAS OR IS GOING ON BETWEEN YOU AND THE PLAINTIFF JOSH L. ANDERSON?

ANSWER: No.

9[] WHY DO YOU THINK YOU AND THE PLAINTIFF JOSH L. ANDERSON ARE HAVING THESE PROBLEMS?

ANSWER: Unknown.

10[] DO YOU HAVE OR HAD ANY THOUGHTS ABOUT THE PLAINTIFF JOSH L. ANDERSON? [] POSITIVE OR NEGATIVE []

ANSWER: Objection. This interrogatory is not relevant to the subject matter involved in this action and it is not reasonably calculated to lead to the discovery of admissible evidence.

11[] WHAT DO YOU THINK OF THE PROBLEMS BETWEEN YOU AND THE PLAINTIFF JOSH L. ANDERSON?

ANSWER: Objection. This interrogatory is not relevant to the subject matter involved in this action and it is not reasonably calculated to lead to the discovery of admissible evidence.

12[] HAVE YOU EVER ASSAULTED THE PLAINTIFF JOSH L. ANDERSON BY KICKING HIM IN THE FACE?

ANSWER: No.

13[] WHAT WERE YOUR ORDERS IN DEALING WITH THE PLAINTIFF
JOSH L. ANDERSON?

ANSWER: Objection. This interrogatory is not relevant to the subject matter involved in this action, it is not reasonably calculated to lead to the discovery of admissible evidence and answering the interrogatory would subject Katie L. Smith to annoyance, undue burden and expense. Notwithstanding this objection, over time the superiors of Katie L. Smith have issued many orders dealing with Josh L. Anderson, none of which relate to the allegation by Josh L. Anderson that on February 4, 2004 Katie L. Smith kicked him in the face, punched him and beat his head off the floor.

14[] HAS THE PLAINTIFF EVER QUESTIONED YOU ABOUT STARING AT HIM?

ANSWER: Yes.

15[] DO YOU KNOW THAT WHEN YOU STARE AT THE PLAINTIFF
JOSH L. ANDERSON IT UPSETS HIM?

ANSWER: Katie L. Smith does not stare at Josh L. Anderson.

These interrogatories shall be deemed continuing, so as to require supplemental answers as new and different information materializes.

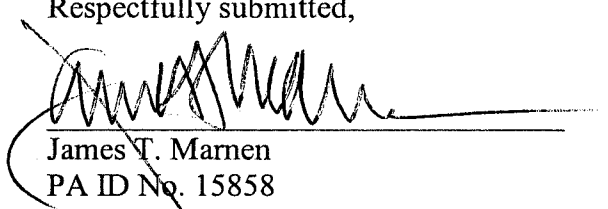
BY: /s/ Josh L. Anderson

Josh L. Anderson
FW-6915
1 Kelley Dr.
Coal Township, PA. 17866

Date

Answers respectfully submitted by:

Respectfully submitted,



James T. Marnen
PA ID No. 15858
KNOX McLAUGHLIN GORNALL &
SENNETT, P.C.
120 West Tenth Street
Erie, PA 16501-1461
General Tel: 814-459-2800
Direct Dial Tel: 814-459-9886, Ext. 203
Fax: 814-453-4530
Email: jmarnen@kmgslaw.com

Attorney for Defendants,
Larry E. Kopko, Randy J. Ickert
and Katie L. Avenali

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Katie Smith

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Defendants

Civil Action No. 04-135 Erie

JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 22d day of December, 2005, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

James T. Marnen

#648962

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)	
Defendants)	JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th day of January, 2006, a copy of the within document was served on all counsel of record and unrepresented parties in accordance with the applicable rules of court.

/s/ James T. Marnen
James T. Marnen

#651227